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IN THE

Supreme Court of the United States

OCTOBER TERM, 1952

NO. 121

CITIZEN MARIO L. BOVE

v.

THE ORDER OF HON. WALLACE S. GOURLEY

Dated January 17, 1952 (Miscellaneous No. 1713)

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS FOR THE THIRD CIRCUIT AND BRIEF IN SUPPORT THEREOF.

Citizen: Mario L. Bove, Pro-Se and Par-Se
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Pittsburgh, Pa.

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Dated January 17, 1952 (Miscellaneous No. 1713).

PETITION FOR WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE THIRD CIRCUIT.

To the Honorable the Chief Justice of the United States and the Associate Justices of the Supreme Court of the United States:

This is a petition for a writ of certiorari to review a Judgment of the United States Court of Appeals for the Third Circuit. A transcript of the record, including the proceeding in said court, is furnished herewith in accordance with the rules of this Court.

Summary and Statement of Matter Involved.

This is a civil action originating in the District Court for the Western District of Pennsylvania wherein petitioner seeks the Constitutional right to testify under oath before the 1952 Grand Jury on two items: Open Immigration and jail all tax collectors thus stop the so-called violation of immigration and tax laws.

Certiorari is sought on a judgment (No. 10685) of the Court of Appeals for the Third Circuit dated May 2, 1952 (Goodrich-Kalodner and Hastie, Circuit Judges) which affirmed the District Court for the Western District of Pennsylvania.

Jurisdiction.

The basis upon which your Honorable Court has jurisdiction is Rule 38 of the Supreme Court Rules and the Statutes cited therein.

Questions Presented.

I. Did the U. S. District Court err in denying Appellant's Petition to be allowed to testify before the January 1952 Grand Jury on the two certain matters namely, Violation of Immigration and Income Tax Laws?

II. Has the U. S. District Court the right to deny the Constitutional right of any citizen to be a voluntary witness before the Grand Jury investigating Immigration and Income Tax Laws violations and therefore by such denial place said Court above the Grand Jury itself and the Constitutional provisions?

III. Should not the principle of the old school of jurisprudence, that a Grand Jury and only the Grand Jury should hear and pass on all evidence and causes of crime or civil disturbances and only thereafter make proper recommendations, still prevail?

Reason Relied on for Allowance of Writ.

The U. S. District Court in the wording of the rules of Your Honorable Court, "has so far departed from the accepted and usual course of judicial proceedings * * * as to call for an exercise of this Court's power of supervision."

WHEREFORE, your petitioner prays that a writ of certiorari be issued out of and under the seal of this Court, directive to the United States Court of Appeals for the Third Circuit, commanding the said court to certify and send to this Court on a day to be designated, a full transcript of the record and all proceedings of said court in the case numbered and entitled on its docket No. 10685 in the matter of the investigation by the January 1952 Grand Jury. Miscellaneous No. 1713, to the end that this case may be reviewed and determined by this Court; that the judgment of the said United States Court of Appeals for the Third Circuit be reversed and that petitioner be granted such other and further relief as to this court may seem meet and proper.

Respectfully submitted,

CITIZEN MARIO L. BOVE PRO-SE AND PER SE
727-729 Bakewell Building
Pittsburgh, Pa.

BRIEF IN SUPPORT OF PETITION.

Official Report of Opinions Below.

The opinion of the United States District Court, dated February 14, 1952 is reported at pages 2a and 3a of Appendix to Appellant's Brief.

The opinion of the United States Court of Appeals for the Third Circuit, filed May 2, 1952 is reported at Appellant's Brief following page 3a.

Statement of Jurisdiction.

The basis upon which the United States Supreme Court has jurisdiction to review by Certiorari the decisions of the Court of Appeals is contained in Supreme Court Rule 38, and the statutes cited therein.

Statement of the Case.

Petitioner is a citizen having residence at Pittsburgh, Pa. On January 17, 1952, petitioner commenced this action in Pennsylvania to testify before the 1952 Grand Jury there and then empaneled to investigate violation of immigration and tax laws violation. Petitioner was denied the right to testify before the 1952 Grand Jury by the order of the United States District Court for the Western District of Pennsylvania dated January 17, 1952.

On the 26th day of January 1952, petitioner filed an appeal to the United States Court of Appeals for the Third Circuit (Goodrich, Kalodner and Hastie). On May 2, 1952 affirmed with an opinion "This appeal presents no question on which relief can be given the ap-

pellant". The points he made were set out and considered by the District Judge when the matter was before him. That opinion adequately and correctly (*but not in accordance with our constitutional laws*) covers the matter. The judgment will be affirmed.

Specification of Errors.

1. The court below erred in screening the witness who wishes to testify before the 1952 Grand Jury there and then empaneled to investigate Immigration and Tax Violation.

Argument.

Appellant, contrary to the allegations contained in the opinion of the Court below, did inform said Court below of specific violations of Federal law within the jurisdiction of the Court below. Page 5 of the official transcript on record reads:

"*The Court*: Do you have any evidence to submit to this Grand Jury to show that any person within the twenty five counties of this district is violating the income tax laws of the Country?

Mr. Bove: The tax collector himself.

The Court: How?

Mr. Bove: By robbing the people without due process of law.

The Court: Do you have any evidence that any person within this district is violating the immigration law of this Country?

Mr. Bove: YES."

Therefore Appellant should have been permitted to testify before the 1952 Grand Jury on violations related to Immigration and Income Tax Laws, the two items of investigation (*inter alia*) before the empaneled 1952 Grand Jury. After complete introduction of Appellant's testimony the 1952 Grand Jury and only the 1952 Grand Jury should have passed JUDGMENT on Appellant's testimony there given under OATH.

The Court below by denying Appellant's petition and REQUEST did invade also the province of the 1952 Grand Jury and placed itself above the 1952 Grand Jury and the provisions of the U. S. Constitution. At the same time the HONORABLE Court below again erred in placing on the Court record emotional and irresponsible statements. Page 3 of the official transcript on record reads:

> *"The Court*: There are other countries in the world for people who do not like the United States.
>
> *Mr. Bove*: I don't know where else in the world they would go. (As for myself) I like very much the United States. I am thinking of the knowledge I have acquired through BILL McNAIR and the Henry George School of Social Science. (HERE).
>
> *The Court*: As I understand you have no information to submit to the Grand Jury relative to any person or organization?
>
> *Mr. Bove*: Yes, Your honor, I have."

As for the citations recited by the Court below in the opinion "Limitations on the Powers of Federal Grand Juries," Penn. Bar Association Quarterly, Oct. 1951 Vol. 23; 38 C.J.S. § 979 et seq. it is Appellant's contention

that such citations do not fit the QUESTIONS of *"FACTA"* law and Justice involved in Appellant's case.

IN VIEW of the FOREGOING Appellant respectfully submits that the ORDER of the Court below should be vacated and set aside and Appellant should be allowed to testify before the 1952 Grand Jury in order to prove that all tax collectors are robbing our people without DUE PROCESS of LAW, and should be put in JAIL.

All costs for this Appeal should be returned to Appellant by the U.S. Treasury in GOLD MONEY.

Appellant MARIO L. BOVE,

Pro-Se and Per-Se.